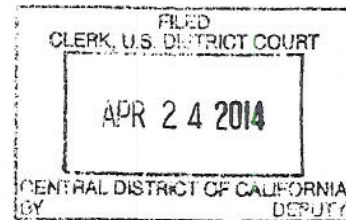


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9
10 UNITED STATES DISTRICT COURT
11 CENTRAL DISTRICT OF CALIFORNIA

12 BEACHBODY, LLC, a Delaware
13 Limited Liability Company,

14 Plaintiff,

15 v.

16 DAVID TRIPLETT, an Individual; and
DOES 1-10, Inclusive,

17 Defendants.

Case No. 14-cv-03150-ODW-JCG
COMPLAINT FOR DAMAGES:

- (1) FEDERAL TRADEMARK INFRINGEMENT [15 U.S.C. § 1114/Lanham Act §32(a)];
(2) FEDERAL COPYRIGHT INFRINGEMENT [17 U.S.C. §501(a)];
(3) FALSE DESIGNATION OF ORIGIN/UNFAIR COMPETITION [15 U.S.C. §1125(a)/Lanham Act §43(a)];
(4) TRADEMARK DILUTION [15 U.S.C. §1125(c)];
(5) UNFAIR BUSINESS PRACTICES [CALIFORNIA BUSINESS & PROFESSIONS CODE §17200]; and
(6) UNFAIR COMPETITION [California Common Law]

[DEMAND FOR JURY TRIAL]

26 COMES NOW, Plaintiff BEACHBODY, LLC (hereinafter "Plaintiff"), to
27 hereby file its Complaint against Defendant DAVID TRIPLETT, and DOES 1-10,
28 inclusive (collectively "Defendants").

- 1 -
COMPLAINT FOR DAMAGES

PARTIES

1
2 1. Plaintiff is now, and was at the time of the filing of this Complaint
3 and at all intervening times, a Delaware Limited Liability Company, duly
4 authorized and licensed to conduct business in California, with its principal place
5 of business in Santa Monica, California.

6 2. Plaintiff is informed and believes that Defendant DAVID TRIPLETT
7 is now, and was at the time of the filing of this Complaint and at all intervening
8 times, an individual residing in Charleston, Illinois.

9 3. The true names and capacities, whether individual, corporate,
10 associate or otherwise, of Defendants herein named as DOES 1-10, inclusive, are
11 unknown to Plaintiff. Plaintiff therefore sues said Defendants by such fictitious
12 names. When the true names and capacities of said Defendants have been
13 ascertained, Plaintiff will amend this pleading accordingly.

14 4. Plaintiff further alleges that Defendant DAVID TRIPLETT, and
15 DOES 1-10, inclusive, sued herein by fictitious names are jointly, severally and
16 concurrently liable and responsible with the named Defendants upon the causes of
17 action hereinafter set forth.

18 5. Plaintiff is informed and believes and thereon alleges that at all times
19 mentioned herein Defendant DAVID TRIPLETT, and DOES 1-10, inclusive, and
20 each of them, were the agents, servants and employees of every other Defendant
21 and the acts of each Defendant, as alleged herein, were performed within the
22 course and scope of that agency, service or employment.

23 **JURISDICTIONAL ALLEGATIONS**

24 6. This Court has Federal subject matter jurisdiction over this matter
25 pursuant to 28 U.S.C. §§1331 and 1338(a) and (b), in that the case arises out of
26 claims for trademark infringement, false designation of origin, unfair competition
27 and dilution under the Lanham Act (15 U.S.C. §1051 *et seq.*), and copyright
28 infringement under 17 U.S.C. §501(a); and this Court has supplemental jurisdiction

1 pursuant to 28 U.S.C. §§1367(a) and 1338 (a)(b).

2 7. Venue is proper, *inter alia*, pursuant to 28 U.S.C. §1391(b) because
3 on information and belief, a substantial part of the events or omissions giving rise
4 to the claim occurred in this judicial district, and has caused damages to Plaintiff in
5 this district.

6 8. Personal jurisdiction exists over Defendants because on information
7 and belief, Defendants conduct business in California and in this judicial district,
8 have purposefully directed action to California and this district, or have otherwise
9 availed themselves of the privileges and protections of the laws of the State of
10 California, such that this Court's assertion of jurisdiction over Defendants does not
11 offend traditional notions of fair play and due process.

12 **GENERAL ALLEGATIONS**

13 **Plaintiff and its Famous BEACHBODY® Fitness Products and Services**

14 9. Plaintiff is a health, wellness and fitness company involved in, among
15 other things, the development, production, sale, and distribution of in-home fitness,
16 weight loss, and health products and services.

17 10. One of the main components of Plaintiff's business encompasses the
18 production, sale and distribution of its BEACHBODY® family of fitness DVDs
19 and kits, including its famous FOCUS T25® fitness DVDs and kits. Plaintiff's
20 BEACHBODY®- and FOCUS T25®-branded products and services have
21 achieved great success since their introduction in 1999 and 2013, respectively.

22 11. The success of Plaintiff's BEACHBODY and FOCUS T25 products
23 and services is due in part to Plaintiff's marketing and promotional efforts. These
24 efforts include advertising and promotion through Plaintiff's websites, print and
25 other internet-based advertising, in-person and televised promotional appearances
26 by its trainers, and its infomercials, among other efforts. Plaintiff has spent
27 substantial time, money and effort in building up and developing consumer
28 recognition, awareness and goodwill in its BEACHBODY and FOCUS T25

1 products, services and marks. For example, Plaintiff has spent close to one
2 hundred million dollars (\$100,000,000.00) to air its television infomercials in each
3 of 2009, 2010, 2011, 2012, and 2013. On each FOCUS T25 exercise kit, in each
4 infomercial, and in each piece of marketing material for FOCUS T25 products, the
5 BEACHBODY® marks are prominently displayed along with the FOCUS T25 (on
6 the FOCUS T25 products) marks.

7 12. The success of the FOCUS T25 DVDs, kits and other products and
8 services is not due to the Plaintiff's promotional efforts alone. Rather, the
9 popularity of FOCUS T25 is also due to its consumers, and the word of mouth
10 buzz consumers have generated. Success stories of countless individuals who have
11 utilized FOCUS T25 to help achieve their respective fitness goals are far too
12 numerous to recount, but include stories from all types of people ranging from
13 your average men and women in almost all age groups, to well-trained professional
14 athletes and celebrities looking to stay fit and in shape. In fact, a wide array of
15 newspapers, magazines and television networks has featured stories in which
16 prominent celebrities and professional athletes have enthusiastically described their
17 experience and success with the FOCUS T25 kits.

18 13. As a result of Plaintiff's efforts, the quality of Plaintiff's products, and
19 the promotion and word of mouth buzz, the BEACHBODY® and FOCUS T25®
20 marks and the BEACHBODY® and FOCUS T25® DVDs, products, and services
21 have been prominently placed in the minds of the public. Consumers, purchasers
22 and the members of the public have become familiar with the Plaintiff's fitness
23 DVDs and other products and services, and have come to recognize the
24 BEACHBODY and FOCUS T25 marks, products and services and associate them
25 exclusively with Plaintiff – Plaintiff has acquired a valuable reputation and
26 goodwill among the public as a result of such association. Indeed, the
27 BEACHBODY and FOCUS T25 marks are famous in the United States.

28 ///

1 14. In addition to the above, Plaintiff also owns or otherwise controls
2 copyrights in and related to the FOCUS T25 exercise kits. Plaintiff's rights protect
3 the entirety of the kit as well as the many works therein.

4 15. While Plaintiff has gained significant common law trademark and
5 other rights in its BEACHBODY and FOCUS T25 products and services through
6 its use, advertising and promotion, Plaintiff has also protected its valuable rights by
7 filing for and obtaining federal trademark and copyright registrations.

8 16. Plaintiff owns the following United States Trademark Registrations
9 for the "FOCUS T25" marks: U.S. Reg. Nos. 4404411; and 4412310. These are
10 attached hereto as **Exhibits A - B**.

11 17. Similarly, Plaintiff owns the following U.S. trademark registrations
12 for its "BEACHBODY" related marks: U.S. Reg. Nos. 2665151; 2853244;
13 2862904; and 2873866. These are attached hereto as **Exhibits C - F**.

14 18. Plaintiff also owns several United States Copyright Registrations
15 relating to its BEACHBODY exercise kits, including a copyright application
16 pending before the U.S. Copyright Office for registration of the FOCUS T25 Kit.

17 19. Plaintiff has never authorized or consented to the use of
18 BEACHBODY® or FOCUS T25® or any confusingly similar marks by
19 Defendants; nor has Plaintiff authorized Defendants to manufacture, copy, offer for
20 sale, sell, or distribute any BEACHBODY or FOCUS T25 product.

21 **Defendants' Wrongful and Infringing Conduct**

22 20. Particularly in light of the success of Plaintiff and Plaintiff's products
23 as well as the reputation they have gained, Plaintiff and its products have become
24 targets for unscrupulous individuals and entities who wish to take a free ride on
25 both the goodwill, reputation and fame Plaintiff has spent considerable time,
26 money and effort to build up in its products and marks, and the works embodied in
27 Plaintiff's fitness products.

28 ///

1 21. A large number of these individuals and entities deal in pirated and
2 counterfeit BEACHBODY®-branded DVDs and other products and services,
3 including the famous BEACHBODY® FOCUS T25® products. Their actions
4 vary and include manufacturing, copying, exporting, importing, advertising,
5 promoting, selling, and distributing counterfeit and otherwise unauthorized
6 products.

7 22. Plaintiff investigates and enforces against such activity, and through
8 such efforts learned of Defendants, and Defendants' actions, advertising, offering
9 for sale, sale, distribution, and infringing conduct.

10 23. Defendants use, amongst other things, the Internet website known as
11 eBay.com ("eBay") to offer for sale, sell, and distribute products, including
12 counterfeit fitness DVDs and kits bearing Plaintiff's BEACHBODY and FOCUS
13 T25 marks to consumers. Defendants operate on eBay under the seller ID
14 "bigdaddydivad1." Through the eBay website, Defendants regularly and
15 systematically advertised, marketed, offered for sale, sold, and distributed
16 counterfeit fitness products bearing Plaintiff's BEACHBODY and FOCUS T25
17 marks with payment processing through PayPal.com ("PayPal"). Investigation
18 into Defendants' sales activity on eBay evidences hundreds of prior sales of
19 counterfeit BEACHBODY FOCUS T25 exercise kits and DVDs.

20 24. On January 14, 2014, Plaintiff purchased a purported FOCUS T25
21 exercise kit from Defendants under eBay seller "bigdaddydivad1" as offered for
22 sale by Defendants on eBay for a cost of \$134.99 charged to a PayPal electronic
23 payment account (Transaction ID #7P6657032P005241X). A true and correct
24 copy of the PayPal Transaction Details evidencing this transaction is attached
25 hereto as **Exhibit G**.

26 25. The FOCUS T25®-branded product purchased from Defendants
27 under eBay seller "bigdaddydivad1" was received by Plaintiff (USPS Priority Mail
28 2-Day Tracking number 9405 5096 9993 7248 8290 35) and inspected by Plaintiff

1 to determine authenticity. The inspection of the purchased item confirmed that the
2 item sold and distributed by Defendants under eBay seller ID "bigdaddydivad1"
3 was in fact a counterfeit and unauthorized BEACHBODY FOCUS T25 exercise kit
4 and DVDs.

5 26. On information and belief, Defendants sold counterfeit
6 BEACHBODY products to numerous buyers residing within the State of
7 California and within the Central District of California, bearing Plaintiff's
8 BEACHBODY and FOCUS T25 marks.

9 27. By these sales – and, on information and belief, Defendants other
10 dealings in counterfeit product (including importing, advertising, displaying,
11 distributing, selling and/or offering to sell counterfeit and unauthorized product) –
12 Defendants violate Plaintiff's exclusive rights in its copyrighted material, and use
13 images and marks that are confusingly similar to, identical to, and/or constitute
14 counterfeit reproductions of Plaintiff's trademarks to confuse consumers and aid in
15 the promotion and sales of its unauthorized product. Defendants' conduct and use
16 began long after Plaintiff's adoption and use of its BEACHBODY and FOCUS
17 T25 trademarks, after Plaintiff obtained the copyright and trademark registrations
18 alleged above, and after Plaintiff's marks became famous. Indeed, Defendants had
19 knowledge of Plaintiff's ownership of the marks, and of the fame in such marks,
20 prior to the actions alleged herein, and adopted them in bad faith and with an intent
21 to cause confusion among consumers and dilute Plaintiff's marks. Neither Plaintiff
22 nor any authorized agents have consented to Defendants' use of Plaintiff's
23 BEACHBODY or FOCUS T25 trademarks.

24 28. Defendants' actions were committed in bad faith and with the intent to
25 dilute Plaintiff's marks, and to cause confusion and mistake, and to deceive the
26 consuming public and the public at large as to the source, sponsorship and/or
27 affiliation of Defendants, and/or Defendants' counterfeit and unauthorized goods.
28 By its wrongful conduct, Defendants have traded upon and diminished Plaintiff's

1 goodwill.

2 29. In committing these acts, Defendants have, among other things,
3 willfully and in bad faith committed the following, all of which have and will
4 continue to cause irreparable harm to Plaintiff: (i) infringed and diluted Plaintiff's
5 rights in the BEACHBODY and FOCUS T25 marks; (ii) infringed Plaintiff's
6 copyrights; (iii) applied counterfeit marks; (iv) misled the public into believing
7 there is an association or connection between Defendants and Plaintiff and/or the
8 products advertised and sold by Defendants and Plaintiff; (v) used false
9 designations of origin on or in connection with its goods and services; (vi)
10 committed unfair competition; (vii) and unfairly profited from such activity.
11 Unless enjoined, Defendants will continue to cause irreparable harm to Plaintiff.

12 **FIRST CAUSE OF ACTION**

13 **(Infringement of Registered Trademarks Against Defendant DAVID**

14 **TRIPLETT, and DOES 1-10, Inclusive)**

15 **[15 U.S.C. §1114/Lanham Act §32(a)]**

16 30. Plaintiff repeats and re-alleges every allegation set forth in Paragraphs
17 1-29.

18 31. Plaintiff has continuously used its BEACHBODY® and FOCUS
19 T25® marks in interstate commerce since at least as early as 1999, and 2013,
20 respectively.

21 32. Plaintiff, as the owner of all right, title and interest in and to the
22 BEACHBODY and FOCUS T25 marks, has standing to maintain an action for
23 trademark infringement under the Trademark Statute 15 U.S.C. §1114.

24 33. Defendants are and at the time of their actions complained of herein
25 were actually aware that Plaintiff is the registered trademark holder of the
26 BEACHBODY and FOCUS T25 marks. *See Exhibits A - F.*

27 34. Defendants did not and failed to obtain the consent or authorization of
28 Plaintiff as the registered owner of the marks to deal in and commercially

1 distribute, market and sell FOCUS T25 fitness DVDs and kits bearing Plaintiff's
2 BEACHBODY and FOCUS T25 marks into the stream of commerce.

3 35. Defendants intentionally and knowingly used in commerce the
4 reproductions, counterfeits, copies, and/ or colorable imitations of Plaintiff's
5 registered marks in connection with the sale, offering for sale, distribution, or
6 advertising of Defendant's goods by offering, advertising, promoting, retailing,
7 selling, and distributing counterfeit FOCUS T25 fitness DVDs and kits bearing the
8 FOCUS T25 and BEACHBODY marks.

9 36. Defendants reproduced, counterfeited, copied, and colorably imitated
10 Plaintiff's registered BEACHBODY and FOCUS T25 marks and applied such
11 reproductions, counterfeits, copies, or colorable imitations to labels, signs, prints,
12 packages, wrappers, receptacles and/or advertisements intended to be used in
13 commerce upon or in connection with the sale, offering for sale, distribution,
14 and/or advertising of goods. Defendants thereupon offered, advertised, promoted,
15 retailed, sold, and distributed counterfeit FOCUS T25 fitness DVDs and kits
16 bearing the FOCUS T25 and BEACHBODY marks.

17 37. Defendants' egregious and intentional use and sale of fake, pirated
18 and counterfeit items bearing Plaintiff's trademarks is likely to cause confusion, or
19 to cause mistake, or to deceive, mislead, betray, and defraud consumers who
20 believe that Defendants' items are authentic products manufactured by Plaintiff.

21 38. Defendants' acts have been committed with knowledge of Plaintiff's
22 exclusive rights and goodwill in the marks, as well as with bad faith and the intent
23 to cause confusion or to cause mistake and to deceive.

24 39. Plaintiff has suffered and will continue to suffer substantial and
25 irreparable injury, loss and damage to its rights in and to the BEACHBODY and
26 FOCUS T25 marks and the goodwill associated therewith, for which it has no
27 adequate remedy at law; thus Plaintiff requests injunctive relief.

28 ///

40. Defendants' continued and knowing use of Plaintiff's marks without Plaintiff's consent or authorization constitutes intentional infringement of Plaintiff's federally registered trademarks in violation of Section 32 of the *Lanham Act*, 15 U.S.C. §1114. Based on such conduct, Plaintiff is entitled to injunctive relief as well as monetary damages, and other remedies provided by section 1116, 1117, and 1118, including Defendants' profits, treble damages, reasonable attorneys' fees, costs and prejudgment interest.

SECOND CAUSE OF ACTION

(Federal Copyright Infringement Against Defendant DAVID TRIPLETT, and

DOES 1-10, Inclusive)

[17 U.S.C. §501(a)]

41. Plaintiff repeats and re-alleges every allegation set forth in Paragraphs 1-40.

42. Plaintiff is the exclusive owner of copyrights in and related to its BEACHBODY fitness DVDs and kits and possesses copyright registrations with the United States Copyright Office relating to the same. Plaintiff presently has a copyright application pending before the U.S. Copyright Office for copyright registration of the entirety of the FOCUS T25 kit.

43. Defendants did not seek and failed to obtain Plaintiff's consent or authorization to utilize, manufacture, reproduce, copy, display, prepare derivative works, distribute, sell, transfer, rent, perform, and/or market Plaintiff's copyright-protected materials.

44. Without permission, Defendants intentionally and knowingly reproduced, counterfeited, copied, displayed, and/or manufactured Plaintiff's protected works by offering, advertising, promoting, retailing, selling, distributing counterfeit FOCUS T25 fitness DVDs and kits which are at a minimum substantially similar to Plaintiff's copyright protected works.

///

1 45. Defendants' acts as alleged herein, constitute infringement of
 2 Plaintiff's copyright, including Plaintiff's exclusive rights to reproduce, distribute
 3 and/or sell such protected material.

4 46. Defendants' knowing and intentional copyright infringement as
 5 alleged herein has caused and will continue to cause substantial and irreparable
 6 harm to Plaintiff and has and will continue to cause damage to Plaintiff. Plaintiff
 7 is therefore entitled to injunctive relief, damages, Defendants' profits, increased
 8 damages, and reasonable attorney's fees and costs.

9 **THIRD CAUSE OF ACTION**

10 **(False Designation of Origin & Unfair Competition Against Defendant**

11 **DAVID TRIPLETT, and DOES 1-10, Inclusive)**

12 **[15 U.S.C. §1125(a)/Lanham Act §43(a)]**

13 47. Plaintiff repeats and re-alleges every allegation set forth in Paragraphs
 14 1-46.

15 48. Plaintiff, as the owner of all common law right, title, and interest in
 16 and to the BEACHBODY and FOCUS T25 marks, has standing to maintain an
 17 action for false designation of origin and unfair competition under the Federal
 18 Trademark Statute, Lanham Act section 43(a) (15 U.S.C. §1125). Plaintiff's
 19 BEACHBODY and FOCUS T25 marks are inherently distinctive and/or have
 20 acquired distinctiveness.

21 49. Defendants have without authorization, on or in connection with its
 22 goods and services, used in commerce marks that are confusingly similar to the
 23 BEACHBODY and FOCUS T25 marks, and/or have made false designations of
 24 origin which are likely to cause confusion or cause mistake or to deceive as to the
 25 affiliation, connection or association of Defendants with Plaintiff, and/or as to the
 26 origin, sponsorship or approval of Defendants' goods or services or commercial
 27 activities.

28 ///

1 50. Defendants' conduct described above violates the Lanham Act, and
2 Defendants have unfairly competed with and injured and, unless immediately
3 restrained, will continue to injure Plaintiff, causing damage to Plaintiff in an
4 amount to be determined at trial, and will cause irreparable injury to Plaintiff's
5 goodwill and reputation associated with the value of Plaintiff's mark.

6 51. On information and belief, the conduct of Defendants has been
7 knowing, deliberate, willful, intended to cause confusion, or to cause mistake or to
8 deceive and in blatant disregard of Plaintiff's rights.

9 52. Defendants knew or by the exercise of reasonable care should have
10 known that their adoption and commencement of use in commerce and continuing
11 use of marks that are confusingly similar to and constitute a counterfeit
12 reproduction of Plaintiff's marks would cause confusion, mistake, or deception
13 among purchasers, users and the public.

14 53. Defendants' egregious and intentional use and sale of fake, pirated
15 and counterfeit items bearing Plaintiff's trademarks unfairly competes with
16 Plaintiff and is likely to cause confusion, mistake, or to deceive, mislead, betray,
17 and defraud consumers to believe that the substandard imitations are genuine
18 FOCUS T25 DVDs or kits.

19 54. Defendants' continuing and knowing use of Plaintiff's mark
20 constitutes false designation of origin and unfair competition in violation of
21 Section 43(a) of the Lanham Act, 15 U.S.C. §1125(a), causing Plaintiff to suffer
22 substantial and irreparable injury for which it has no adequate remedy at law.

23 55. Defendants' wrongful conduct has permitted or will permit it to make
24 substantial sales and profits on the strength of Plaintiff's marketing, advertising,
25 sales and consumer recognition. As a direct and proximate result of Defendants'
26 wrongful conduct, as alleged herein, Plaintiff has been and will be deprived of
27 sales of its FOCUS T25 products in an amount as yet unknown but to be
28 determined at trial, and has been deprived and will be deprived of the value of its

1 marks as commercial assets in an amount as yet unknown but to be determined at
 2 trial. Plaintiff seeks an accounting of Defendants' profits, and requests that the
 3 Court grant Plaintiff three times that amount in the Court's discretion.

4 56. Based on Defendants' wrongful conduct, Plaintiff is entitled to
 5 injunctive relief as well as monetary damages, and other remedies as provided by
 6 the Lanham Act, including Defendants' profits, treble damages, reasonable
 7 attorneys' fees, costs and prejudgment interest.

8 **FOURTH CAUSE OF ACTION**

9 **(Dilution Against Defendant DAVID TRIPLETT, and DOES 1-10, Inclusive)**

10 **[15 U.S.C. §1125(c)]**

11 57. Plaintiff repeats and re-alleges every allegation set forth in Paragraphs
 12 1-56.

13 58. Plaintiff's BEACHBODY® and FOCUS T25® marks are distinctive
 14 and famous within the meaning of the Lanham Act.

15 59. Upon information and belief, Defendants' unlawful actions began
 16 long after Plaintiff's mark became famous, and Defendants acted knowingly,
 17 deliberately and willfully with the intent to trade on Plaintiff's reputation and to
 18 dilute Plaintiff's mark. Defendants' conduct is willful, wanton and egregious.

19 60. Defendants' intentional sale of fake, pirated and counterfeit items
 20 bearing Plaintiff's marks is likely to cause confusion, mistake, or to deceive,
 21 mislead, betray, and defraud consumers to believe that the substandard imitations
 22 are genuine FOCUS T25 kits and DVDs. The actions of Defendants complained
 23 of herein have diluted and will continue to dilute Plaintiff's marks, and are likely to
 24 impair the distinctiveness, strength and value of Plaintiff's marks, and injure the
 25 business reputation of Plaintiff and its marks.

26 61. Defendants' acts have caused and will continue to cause Plaintiff
 27 irreparable harm. Plaintiff has no adequate remedy at law to compensate it fully
 28 for the damages that have been caused and which will continue to be caused by

1 Defendants' unlawful acts, unless they are enjoined by this Court.

2 62. As the acts alleged herein constitute a willful violation of section
3 43(c) of the Lanham Act, 15 U.S.C. section 1125(c), Plaintiff is entitled to
4 injunctive relief as well as monetary damages and other remedies provided by 15
5 U.S.C. §§1116, 1117, 1118, and 1125(c), including Defendants' profits, treble
6 damages, reasonable attorney's fees, costs and prejudgment interest.

7 **FIFTH CAUSE OF ACTION**

8 **(Unlawful, Unfair, Fraudulent Business Practices Against Defendant DAVID**
9 **TRIPLETT, and DOES 1-10, Inclusive)**

10 ***[California Business & Professions Code §17200 et seq.]***

11 63. Plaintiff repeats and re-alleges every allegation set forth in Paragraphs
12 1-62.

13 64. By marketing, advertising, promoting, selling and/or otherwise
14 dealing in the counterfeit FOCUS T25 products, Defendants have engaged in
15 unfair competition including unlawful, unfair and fraudulent business practices in
16 violation of the California Business and Professions Code §17200 *et seq.*

17 65. Defendants' marketing, advertising, promoting, selling and/or
18 otherwise dealing in the counterfeit FOCUS T25 products is in violation and
19 derogation of Plaintiff's rights and is likely to cause confusion, mistake and
20 deception among consumers and the public as to the source, origin, sponsorship, or
21 quality of the goods of Defendant, thereby causing loss, damage and injury to
22 Plaintiff and to the purchasing public. Defendants' conduct was intended to cause
23 such loss, damage and injury.

24 66. Defendants knew or by the exercise of reasonable care should have
25 known that their marketing, advertising, promoting, selling and/or otherwise
26 dealing in and their continuing marketing, advertising, promoting, selling and/or
27 otherwise dealing in the counterfeit product would cause confusion mistake or
28 deception among purchasers, users and the public.

1 67. By marketing, advertising, promoting, selling and/or otherwise
2 dealing in and their continuing marketing, advertising, promoting, selling and/or
3 otherwise dealing in counterfeit versions of Plaintiff's marks and products,
4 Defendants intended to and did induce and intends to and will induce customers to
5 purchase its products by trading off the extensive goodwill built up by Plaintiff in
6 its marks.

7 68. Upon information and belief, the conduct of Defendants has been
8 knowing, deliberate, willful, intended to cause confusion, or to cause mistake or to
9 deceive, and in disregard of Plaintiff's rights.

10 69. Defendants' wrongful conduct, as alleged above, has permitted and
11 will permit them to make substantial sales and profits on the strength of Plaintiff's
12 nationwide marketing, advertising, sales and consumer recognition. As a direct
13 and proximate result of Defendants' wrongful conduct, as alleged herein, Plaintiff
14 has been and will be deprived of substantial sales of its products in an amount as
15 yet unknown but to be determined at trial, and has been and will be deprived of the
16 value of its trademarks as commercial assets, in an amount as yet unknown but to
17 be determined at trial. Plaintiff seeks restitution in this matter, including an order
18 granting Defendants' profits stemming from its infringing activity, and its actual
19 and/or compensatory damages.

20 70. Plaintiff has no adequate remedy at law for Defendants' continuing
21 violation of its rights set forth above. Plaintiff seeks injunctive relief.

22 71. Plaintiff further requests a court order that an asset freeze or
23 constructive trust be imposed over all monies in Defendants' possession which
24 rightfully belong to Plaintiff.

25 ///

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SIXTH CAUSE OF ACTION

**(Unfair Competition Against Defendant DAVID TRIPLETT, and DOES 1-10,
Inclusive)**

[California Common Law]

72. Plaintiff repeats and re-alleges every allegation set forth in Paragraphs 1-71.

73. By marketing, advertising, promoting, selling and/or otherwise dealing in the counterfeit FOCUS T25 products, Defendants have engaged in unfair competition including unlawful, unfair and fraudulent business practices in violation of the common law of the State of California.

74. Defendants' marketing, advertising, promoting, selling and/or otherwise dealing in the counterfeit FOCUS T25 products is in violation and derogation of Plaintiff's rights and is likely to cause confusion, mistake and deception among consumers and the public as to the source, origin, sponsorship, or quality of the goods of Defendant, thereby causing loss, damage and injury to Plaintiff and to the purchasing public. Defendants' conduct was intended to cause such loss, damage and injury.

75. Defendants knew or by the exercise of reasonable care should have known that their marketing, advertising, promoting, selling and/or otherwise dealing in and their continuing marketing, advertising, promoting, selling and/or otherwise dealing in the counterfeit product would cause confusion mistake or deception among purchasers, users and the public.

76. By marketing, advertising, promoting, selling and/or otherwise dealing in and their continuing marketing, advertising, promoting, selling and/or otherwise dealing in counterfeit versions of Plaintiff's marks and products, Defendants intended to and did induce and intends to and will induce customers to purchase its products by trading off the extensive goodwill built up by Plaintiff in its marks.

1 77. Upon information and belief, the conduct of Defendants has been
2 knowing, deliberate, willful, intended to cause confusion, or to cause mistake or to
3 deceive, and in disregard of Plaintiff's rights.

4 78. Defendants' wrongful conduct, as alleged above, has permitted and
5 will permit them to make substantial sales and profits on the strength of Plaintiff's
6 nationwide marketing, advertising, sales and consumer recognition. As a direct
7 and proximate result of Defendants' wrongful conduct, as alleged herein, Plaintiff
8 has been and will be deprived of substantial sales of its products in an amount as
9 yet unknown but to be determined at trial, and has been and will be deprived of the
10 value of its trademarks as commercial assets, in an amount as yet unknown but to
11 be determined at trial. Plaintiff seeks an order granting Defendants' profits
12 stemming from its infringing activity, and its actual and/or compensatory damages.

13 79. Plaintiff has no adequate remedy at law for Defendants' continuing
14 violation of its rights set forth above. Plaintiff seeks preliminary and permanent
15 injunctive relief.

16 80. Plaintiff seeks exemplary or punitive damages for Defendants'
17 intentional misconduct.

18 WHEREFORE, Plaintiff BEACHBODY, LLC, prays for judgment against
19 Defendant DAVID TRIPLETT, and DOES 1-10, inclusive, and each of them, as
20 follows:

21 A. For an award of Defendants' profits and Plaintiff's damages in an amount
22 to be proven at trial for trademark infringement under 15 U.S.C.
23 §1114(a);

24 B. For an award of Defendants' profits and Plaintiff's damages in an amount
25 to be proven at trial for copyright infringement under 17 U.S.C. §501(a);

26 C. For an award of Defendants' profits and Plaintiff's damages in an amount
27 to be proven at trial for false designation of origin and unfair competition
28 under 15 U.S.C. §1125(a);

- 1 D. For an award of Defendants' profits and Plaintiff's damages in an amount
2 to be proven at trial for trademark dilution under 15 U.S.C. §1125(c);
- 3 E. In the alternative to actual damages and Defendants' profits for the
4 infringement and counterfeiting of Plaintiff's trademarks pursuant to the
5 Lanham Act, for statutory damages pursuant to 15 U.S.C. §1117(c),
6 which election Plaintiff will make prior to the rendering of final
7 judgment;
- 8 F. In the alternative to actual damages and Defendants' profits pursuant to
9 17 U.S.C. §504(b), for statutory damages pursuant to 17 U.S.C. §504(c),
10 which election Plaintiff will make prior to the rendering of final
11 judgment;
- 12 G. For restitution in an amount to be proven at trial for unfair, fraudulent
13 and illegal business practices under *Business and Professions Code*
14 §17200;
- 15 H. For damages to be proven at trial for common law unfair competition;
- 16 I. For an injunction by this Court prohibiting Defendants from engaging or
17 continuing to engage in the unlawful, unfair, or fraudulent business acts
18 or practices described herein, including the advertising and/or dealing in
19 any counterfeit product; the unauthorized use of any mark, copyright or
20 other intellectual property right of Plaintiff; acts of trademark
21 infringement or dilution; acts of copyright infringement; false designation
22 of origin; unfair competition; and any other act in derogation of
23 Plaintiff's rights;
- 24 J. For an order from the Court requiring that Defendants provide complete
25 accountings and for equitable relief, including that Defendants disgorge
26 and return or pay their ill-gotten gains obtained from the illegal
27 transactions entered into and or pay restitution, including the amount of
28 monies that should have been paid if Defendants complied with their

1 legal obligations, or as equity requires;

2 K. For an order from the Court that an asset freeze or constructive trust be
3 imposed over all monies and profits in Defendants' possession which
4 rightfully belong to Plaintiff;

5 L. For destruction of the infringing articles in Defendants' possession under
6 15 U.S.C. §1118 and 17 U.S.C. §503;

7 M. For treble damages suffered by Plaintiff as a result of the willful and
8 intentional infringements and acts of counterfeiting engaged in by
9 Defendants, under 15 U.S.C. §1117(b);

10 N. For damages in an amount to be proven at trial for unjust enrichment;

11 O. For an award of exemplary or punitive damages in an amount to be
12 determined by the Court;

13 P. For Plaintiff's reasonable attorney's fees;

14 Q. For all costs of suit; and

15 R. For such other and further relief as the Court may deem just and
16 equitable.

17
18 **DEMAND FOR JURY TRIAL**

19 Plaintiff BEACHBODY, LLC, respectfully demands a trial by jury in this
20 action.

21
22 DATED: April 23, 2014

JOHNSON & PHAM, LLP

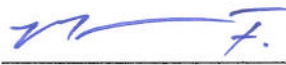
23 By: 
24 Christopher D. Johnson, Esq.
25 Christopher Q. Pham, Esq.
26 Marcus F. Chaney, Esq.
27 Attorneys for Plaintiff
28 BEACHBODY, LLC

Exhibit A

United States of America

United States Patent and Trademark Office

FOCUS T25

Reg. No. 4,404,411

Registered Sep. 17, 2013

Int. Cls.: 9 and 41

TRADEMARK

SERVICE MARK

PRINCIPAL REGISTER

BEACHBODY, LLC (DELAWARE LIMITED LIABILITY COMPANY)
THIRD FLOOR 3301 EXPOSITION BLVD.
SANTA MONICA, CA 90404

FOR: PRE-RECORDED VIDEO CASSETTES, CDS AND DVDS FEATURING EXERCISE, FITNESS AND DIETARY INFORMATION AND INSTRUCTION, AND RELATED WRITTEN MATERIALS, ALL SOLD AS A UNIT, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 3-25-2013; IN COMMERCE 6-24-2013.

FOR: PROVIDING A WEB SITE FEATURING ON-LINE INSTRUCTION IN THE FIELD OF PHYSICAL EXERCISE AND NUTRITION AND ALSO FOR TRACKING PROGRESS OF WORKOUTS; EDUCATIONAL SERVICES AND ON-LINE EDUCATIONAL SERVICES, NAMELY, PROVIDING INSTRUCTION IN THE FIELDS OF EXERCISE EQUIPMENT, PHYSICAL EXERCISE AND NUTRITION, AND INSTRUCTIONAL MATERIALS DISTRIBUTED IN CONNECTION THEREWITH; PHYSICAL FITNESS TRAINING SERVICES, NAMELY, PHYSICAL FITNESS TRAINING SERVICES FEATURING THE TRACKING PROGRESS OF WORKOUTS FOR OTHERS; ENTERTAINMENT SERVICES, NAMELY, CONDUCTING CONTESTS; EDUCATIONAL SERVICES, NAMELY, PROVIDING WEB-BASED, CLASSROOM AND OTHER TRAINING IN THE FIELD OF EXERCISE EQUIPMENT, PHYSICAL FITNESS, DIET AND NUTRITIONAL PROGRAMS FOR CERTIFICATION OF AND CONTINUING EDUCATION FOR INSTRUCTORS AND DISTRIBUTION OF TRAINING MATERIAL IN CONNECTION THEREWITH; EDUCATIONAL SERVICES, NAMELY, CONDUCTING CLASSES, SEMINARS, CONFERENCES, WORKSHOPS, AND FIELD TRIPS IN THE FIELD OF EXERCISE EQUIPMENT, DIET AND NUTRITIONAL PROGRAMS, AND SALES TECHNIQUES AND DISTRIBUTION OF TRAINING MATERIAL IN CONNECTION THEREWITH; MEMBERSHIP CLUB SERVICES, NAMELY, PROVIDING TRAINING TO MEMBERS IN THE FIELD OF EXERCISE EQUIPMENT, DIET AND NUTRITIONAL PROGRAMS, AND SALES TECHNIQUES; EDUCATIONAL SERVICES, NAMELY, OFFERING OF ASSESSMENTS AND SURVEYS IN THE FIELD OF EDUCATOR TRAINING AND PERFORMANCE FOR THE PURPOSE OF IMPROVING TEACHING PROCEDURES; PHYSICAL FITNESS TRAINING SERVICES AND CONSULTANCY; PROVIDING INFORMATION IN THE FIELD OF EXERCISE TRAINING, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 3-25-2013; IN COMMERCE 6-24-2013.



Lisa Stanek Kuo
Deputy Director of the United States Patent and Trademark Office

Reg. No. 4,404,411 THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SN 85-655,160, FILED 6-19-2012.

ZHALEH DELANEY, EXAMINING ATTORNEY

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

Requirements in the First Ten Years*

What and When to File:

First Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. *See* 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between the 9th and 10th years after the registration date.*
See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*

What and When to File:

You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or reminder of these filing requirements.

***ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. *See* 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. *See* 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.

Exhibit B

United States of America

United States Patent and Trademark Office

FOCUS T25

Reg. No. 4,412,310

Registered Oct. 1, 2013

Int. Cls.: 9 and 41

TRADEMARK

SERVICE MARK

PRINCIPAL REGISTER

BEACHBODY, LLC (DELAWARE LIMITED LIABILITY COMPANY)
THIRD FLOOR
3301 EXPOSITION BLVD.
SANTA MONICA, CA 90404

FOR: PRE-RECORDED VIDEO CASSETTES, CDS AND DVDS FEATURING EXERCISE, FITNESS AND DIETARY INFORMATION AND INSTRUCTION, AND RELATED WRITTEN MATERIALS, ALL SOLD AS A UNIT, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 3-25-2013; IN COMMERCE 6-24-2013.

FOR: PROVIDING A WEB SITE FEATURING ON-LINE INSTRUCTION IN THE FIELD OF PHYSICAL EXERCISE AND NUTRITION AND ALSO FOR TRACKING PROGRESS OF WORKOUTS; EDUCATIONAL SERVICES AND ON-LINE EDUCATIONAL SERVICES, NAMELY, PROVIDING INSTRUCTION IN THE FIELDS OF EXERCISE EQUIPMENT, PHYSICAL EXERCISE AND NUTRITION, AND INSTRUCTIONAL MATERIALS DISTRIBUTED IN CONNECTION THEREWITH; PHYSICAL FITNESS TRAINING SERVICES, NAMELY, PHYSICAL FITNESS TRAINING SERVICES FEATURING THE TRACKING PROGRESS OF WORKOUTS FOR OTHERS; ENTERTAINMENT SERVICES, NAMELY, CONDUCTING CONTESTS; EDUCATIONAL SERVICES, NAMELY, PROVIDING WEB-BASED, CLASSROOM AND OTHER TRAINING IN THE FIELD OF EXERCISE EQUIPMENT, PHYSICAL FITNESS, DIET AND NUTRITIONAL PROGRAMS FOR CERTIFICATION OF AND CONTINUING EDUCATION FOR INSTRUCTORS AND DISTRIBUTION OF TRAINING MATERIAL IN CONNECTION THEREWITH; EDUCATIONAL SERVICES, NAMELY, CONDUCTING CLASSES, SEMINARS, CONFERENCES, WORKSHOPS, AND FIELD TRIPS IN THE FIELD OF EXERCISE EQUIPMENT, DIET AND NUTRITIONAL PROGRAMS, AND SALES TECHNIQUES AND DISTRIBUTION OF TRAINING MATERIAL IN CONNECTION THEREWITH; MEMBERSHIP CLUB SERVICES, NAMELY, PROVIDING TRAINING TO MEMBERS IN THE FIELD OF EXERCISE EQUIPMENT, DIET AND NUTRITIONAL PROGRAMS, AND SALES TECHNIQUES; EDUCATIONAL SERVICES, NAMELY, OFFERING OF ASSESSMENTS AND SURVEYS IN THE FIELD OF EDUCATOR TRAINING AND PERFORMANCE FOR THE PURPOSE OF IMPROVING TEACHING PROCEDURES; PHYSICAL FITNESS TRAINING SERVICES AND CONSULTANCY; PROVIDING INFORMATION IN THE FIELD OF EXERCISE TRAINING, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 3-25-2013; IN COMMERCE 6-24-2013.



Lisa Starnes
Deputy Director of the United States Patent and Trademark Office

Reg. No. 4,412,310 THE MARK CONSISTS OF CAPITAL T WITH THE WORD FOCUS IN THE TOP OF THE T
WITH 25 TO THE RIGHT OF THE T.

SN 85-858,869, FILED 2-25-2013.

MICHAEL SOUDERS, EXAMINING ATTORNEY

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

Requirements in the First Ten Years*
What and When to File:

First Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. *See* 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between the 9th and 10th years after the registration date.*
See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*
What and When to File:

You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or reminder of these filing requirements.

***ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. *See* 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. *See* 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.

Exhibit C

Int. Cls.: 5, 9 and 41

**Prior U.S. Cls.: 6, 18, 21, 23, 26, 36, 38, 44, 46, 51, 52,
100, 101 and 107**

Reg. No. 2,665,151

Registered Dec. 24, 2002

United States Patent and Trademark Office

**TRADEMARK
SERVICE MARK
PRINCIPAL REGISTER**

BEACH BODY

PRODUCT PARTNERS, LLC (CALIFORNIA LIMITED LIABILITY COMPANY)
3340 OCEAN PARKWAY BLVD., SUITE 3040
SANTA MONICA, CA 90405

FOR: DIETARY SUPPLEMENTS AND DIET AIDS, NAMELY VITAMINS AND MINERAL SUPPLEMENTS, IN CLASS 5 (U.S. CLS. 6, 18, 44, 46, 51 AND 52).

FIRST USE 5-10-1999; IN COMMERCE 5-10-1999.

FOR: PRE-RECORDED VIDEO CASSETTES FEATURING EXERCISE, FITNESS AND DIETARY INFORMATION AND INSTRUCTION, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 5-10-1999; IN COMMERCE 5-10-1999.

FOR: EDUCATIONAL SERVICE, NAMELY INSTRUCTION IN THE USE OF EXERCISE EQUIPMENT AND DIET PROGRAMS, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 5-10-1999; IN COMMERCE 5-10-1999.

SER. NO. 76-046,578, FILED 3-17-2000.

JEFF DEFORD, EXAMINING ATTORNEY

Exhibit D

Int. Cls.: 5, 9 and 41

Prior U.S. Cls.: 6, 18, 21, 23, 26, 36, 38, 44, 46, 51, 52,
100, 101 and 107

Reg. No. 2,853,244

Registered June 15, 2004

United States Patent and Trademark Office

**TRADEMARK
SERVICE MARK
PRINCIPAL REGISTER**



PRODUCT PARTNERS, LLC (CALIFORNIA LIMITED LIABILITY CORPORATION)
8383 WILSHIRE BOULEVARD
SUITE 1050
BEVERLY HILLS, CA 90211

FOR: MEAL REPLACEMENT PROTEIN BARS, DIETARY SUPPLEMENTS AND DIET AIDS, NAMELY VITAMINS AND MINERAL SUPPLEMENTS, IN CLASS 5 (U.S. CLS. 6, 18, 44, 46, 51 AND 52).

FIRST USE 6-0-2003; IN COMMERCE 6-0-2003.

FOR: PRE-RECORDED VIDEO TAPES, DVDS, AND CDS, FEATURING EXERCISE, FITNESS

AND DIETARY INFORMATION AND INSTRUCTION, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 6-0-2003; IN COMMERCE 6-0-2003.

FOR: EDUCATIONAL SERVICES, NAMELY INSTRUCTION IN THE FIELDS OF EXERCISE EQUIPMENT AND DIET PROGRAMS, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 6-0-2003; IN COMMERCE 6-0-2003.

SER. NO. 76-529,751, FILED 7-14-2003.

MARC LEIPZIG, EXAMINING ATTORNEY

Exhibit E

Int. Cls.: 5, 9 and 41

**Prior U.S. Cls.: 6, 18, 21, 23, 26, 36, 38, 44, 46, 51, 52,
100, 101 and 107**

Reg. No. 2,862,904

Registered July 13, 2004

United States Patent and Trademark Office

**TRADEMARK
SERVICE MARK
PRINCIPAL REGISTER**

BEACHBODY

PRODUCT PARTNERS, LLC (CALIFORNIA LIMITED LIABILITY CORPORATION)
8383 WILSHIRE BOULEVARD SUITE 1050
BEVERLY HILLS, CA 90211

FOR: MEAL REPLACEMENT PROTEIN BARS, DIETARY SUPPLEMENTS AND DIET AIDS, NAMELY VITAMINS AND MINERAL SUPPLEMENTS, IN CLASS 5 (U.S. CLS. 6, 18, 44, 46, 51 AND 52).

FIRST USE 5-10-1999; IN COMMERCE 5-10-1999.

FOR: PRE-RECORDED VIDEO TAPES, CASSETTES, DVDS, AND CDS, FEATURING EXERCISE, FITNESS AND DIETARY INFORMATION AND INSTRUCTION, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 5-10-1999; IN COMMERCE 5-10-1999.

FOR: EDUCATIONAL SERVICES, NAMELY INSTRUCTION IN THE FIELDS OF EXERCISE EQUIPMENT, FITNESS EXERCISE, AND DIET AND NUTRITION PROGRAMS, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 5-10-1999; IN COMMERCE 5-10-1999.

OWNER OF U.S. REG. NO. 2,665,151.

SER. NO. 78-280,327, FILED 7-29-2003.

MARC LEIPZIG, EXAMINING ATTORNEY

Exhibit F

Int. Cls.: 5, 9 and 41

**Prior U.S. Cls.: 6, 18, 21, 23, 26, 36, 38, 44, 46, 51, 52,
100, 101 and 107**

United States Patent and Trademark Office

Reg. No. 2,873,866

Registered Aug. 17, 2004

**TRADEMARK
SERVICE MARK
PRINCIPAL REGISTER**



PRODUCT PARTNERS, LLC (CALIFORNIA LIM-
ITED LIABILITY CORPORATION)
8383 WILSHIRE BOULEVARD, SUITE 1050
BEVERLY HILLS, CA 90211

FOR: MEAL REPLACEMENT PROTEIN BARS,
DIETARY SUPPLEMENTS AND DIET AIDS, NAME-
LY VITAMINS AND MINERAL SUPPLEMENTS, IN
CLASS 5 (U.S. CLS. 6, 18, 44, 46, 51 AND 52).

FIRST USE 6-0-2003; IN COMMERCE 6-0-2003.

FOR: PRE-RECORDED VIDEO TAPES, DVDS,
AND CDS, FEATURING EXERCISE, FITNESS
AND DIETARY INFORMATION AND INSTRU-
CTION, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 6-0-2003; IN COMMERCE 6-0-2003.

FOR: EDUCATIONAL SERVICES, NAMELY IN-
STRUCTION IN THE FIELDS OF EXERCISE EQUIP-
MENT AND DIET PROGRAMS, IN CLASS 41 (U.S.
CLS. 100, 101 AND 107).

FIRST USE 6-0-2003; IN COMMERCE 6-0-2003.

OWNER OF U.S. REG. NO. 2,665,151.

SER. NO. 76-529,764, FILED 7-14-2003.

MARC LEIPZIG, EXAMINING ATTORNEY

Exhibit G

Transaction Details

Express Checkout Payment Sent (Unique Transaction ID #7P6657032P005241X)

| Original Transaction | | | | |
|----------------------|---------------------------|-----------|---------|---------------|
| Date | Type | Status | Details | Amount |
| Jan 14, 2014 | Payment To David Triplett | Completed | ... | -\$134.99 USD |

| Related Transaction | | | | |
|---------------------|-------------------------------|-----------|-------------------------|--------------|
| Date | Type | Status | Details | Amount |
| Jan 14, 2014 | Add Funds from a Bank Account | Completed | Details | \$134.99 USD |

Shopping Cart Contents

| Qty | Item | Options | Price |
|---------------|--|---------|---------------------|
| 1 | Shaun T T25 Alpha Beta & Gamma Workouts Complete Full Set T 25 Weight Loss DVDs Item # 221354352505 | | \$134.99 USD |
| Amount | | | \$134.99 USD |

Order Description: Shopping Cart

Item Total: \$134.99 USD

Sales Tax:

Shipping: \$0.00 USD

Seller discount or charges: \$0.00 USD

Total amount: -\$134.99 USD

Fee amount: \$0.00 USD

Net amount: -\$134.99 USD

Date: Jan 14, 2014

Time: 17:42:36 PST

Status: Completed

Insurance: \$0.00 USD

Shipping Address: See Jay
22647 Ventura Blvd
1007
Woodland Hills, CA 91364-1416
United States
Confirmed ?

Payment To: David Triplett (The recipient of this payment is **Verified**)

Seller's ID: bigdaddydivad1

Seller's Email: meetdtrip@gmail.com

Funding Type: Instant Transfer

Funding Source: \$134.99 USD - J.P. MORGAN CHASE BANK, N.A. Checking (Confirmed) x-2785

Back Up Funding Source: MasterCard Credit Card XXXX-XXXX-XXXX-4844

Description: Shopping Cart

Need help? If you have problems with an eBay transaction or want help settling a dispute with an eBay seller, go to the [eBay Resolution Center](#). PayPal and eBay strongly recommend that you attempt to resolve issues directly with the seller whenever possible.

[Return to My Account](#)

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

NOTICE OF ASSIGNMENT TO UNITED STATES JUDGES

This case has been assigned to District Judge _____ Otis D. Wright II _____ and to
Magistrate Judge _____ Jay C. Gandhi _____ .

The case number on all documents filed with the Court should read as follows:

2:14-cv-03150 ODW-JCGx

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the assigned Magistrate Judge has been designated to hear discovery-related motions. All discovery-related motions should be noticed on the calendar of the Magistrate Judge.

Clerk, U. S. District Court

April 24, 2014

Date

By SBOURGEOIS
Deputy Clerk

ATTENTION

A copy of this Notice must be served on all parties served with the Summons and Complaint (or, in cases removed from state court, on all parties served with the Notice of Removal) by the party who filed the Complaint (or Notice of Removal).

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the
Central District of California

BEACHBODY, LLC, a Delaware Limited Liability
Company,

Plaintiff(s)

v.

DAVID TRIPLETT, an Individual; and DOES 1-10,
Inclusive,

Defendant(s)

Civil Action No.

CV14-3150 ODW-JCGx

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* David Triplett
2114 Rosewood Ct.
Charleston, IL 61920-3710

A lawsuit has been filed against you.


Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Marcus F. Chaney, Esq.
Johnson & Pham, LLP
6355 Topanga Canyon Blvd., Suite 326
Woodland Hills, California 91367
Tel: (818) 888-7540
Fax: (818) 888-7544

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

APR 24 2014

Date: _____

CLERK OF COURT


Signature of Clerk or Deputy Clerk
1184

ORIGINAL

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

☐ I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**

| | |
|---|--|
| I. (a) PLAINTIFFS (Check box if you are representing yourself <input type="checkbox"/>) BEACHBODY, LLC, a Delaware Limited Liability Company | DEFENDANTS (Check box if you are representing yourself <input type="checkbox"/>) DAVID TRIPLETT, an Individual |
| (b) County of Residence of First Listed Plaintiff <u>Los Angeles</u> (EXCEPT IN U.S. PLAINTIFF CASES) | County of Residence of First Listed Defendant <u>Coles</u> (IN U.S. PLAINTIFF CASES ONLY) |
| (c) Attorneys (Firm Name, Address and Telephone Number) If you are representing yourself, provide the same information. JOHNSON & PHAM, LLP 6355 Topanga Canyon Blvd., Suite 326 Woodland Hills, California 91367 Tel: (818) 888-7540 | Attorneys (Firm Name, Address and Telephone Number) If you are representing yourself, provide the same information. |

| | | | | | | | | | | | | | | | | | | | |
|--|---|--------------------------------|---|--------------------------------|---|--------------------------------|--------------------------------|--------------------------|--------------------------------|--------------------------------|---|--------------------------------|--------------------------------|---|--------------------------------|--------------------------------|----------------|--------------------------------|--------------------------------|
| II. BASIS OF JURISDICTION (Place an X in one box only.) <input type="checkbox"/> 1. U.S. Government Plaintiff <input checked="" type="checkbox"/> 3. Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 2. U.S. Government Defendant <input type="checkbox"/> 4. Diversity (Indicate Citizenship of Parties in Item III) | III. CITIZENSHIP OF PRINCIPAL PARTIES -For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant) <table style="width:100%;"> <tr> <td style="width:33%;">Citizen of This State</td> <td style="width:10%;">PTF <input type="checkbox"/> 1</td> <td style="width:10%;">DEF <input type="checkbox"/> 1</td> <td style="width:33%;">Incorporated or Principal Place of Business in this State</td> <td style="width:10%;">PTF <input type="checkbox"/> 4</td> <td style="width:10%;">DEF <input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td>PTF <input type="checkbox"/> 2</td> <td>DEF <input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td>PTF <input type="checkbox"/> 5</td> <td>DEF <input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td>PTF <input type="checkbox"/> 3</td> <td>DEF <input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td>PTF <input type="checkbox"/> 6</td> <td>DEF <input type="checkbox"/> 6</td> </tr> </table> | Citizen of This State | PTF <input type="checkbox"/> 1 | DEF <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in this State | PTF <input type="checkbox"/> 4 | DEF <input type="checkbox"/> 4 | Citizen of Another State | PTF <input type="checkbox"/> 2 | DEF <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | PTF <input type="checkbox"/> 5 | DEF <input type="checkbox"/> 5 | Citizen or Subject of a Foreign Country | PTF <input type="checkbox"/> 3 | DEF <input type="checkbox"/> 3 | Foreign Nation | PTF <input type="checkbox"/> 6 | DEF <input type="checkbox"/> 6 |
| Citizen of This State | PTF <input type="checkbox"/> 1 | DEF <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in this State | PTF <input type="checkbox"/> 4 | DEF <input type="checkbox"/> 4 | | | | | | | | | | | | | | |
| Citizen of Another State | PTF <input type="checkbox"/> 2 | DEF <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | PTF <input type="checkbox"/> 5 | DEF <input type="checkbox"/> 5 | | | | | | | | | | | | | | |
| Citizen or Subject of a Foreign Country | PTF <input type="checkbox"/> 3 | DEF <input type="checkbox"/> 3 | Foreign Nation | PTF <input type="checkbox"/> 6 | DEF <input type="checkbox"/> 6 | | | | | | | | | | | | | | |

IV. ORIGIN (Place an X in one box only.)

| | | | | | |
|--|--|---|--|---|---|
| <input checked="" type="checkbox"/> 1. Original Proceeding | <input type="checkbox"/> 2. Removed from State Court | <input type="checkbox"/> 3. Remanded from Appellate Court | <input type="checkbox"/> 4. Reinstated or Reopened | <input type="checkbox"/> 5. Transferred from Another District (Specify) _____ | <input type="checkbox"/> 6. Multi-District Litigation |
|--|--|---|--|---|---|

V. REQUESTED IN COMPLAINT: JURY DEMAND: ☒ Yes ☐ No (Check "Yes" only if demanded in complaint.)

CLASS ACTION under F.R.Cv.P. 23: ☐ Yes ☒ No **MONEY DEMANDED IN COMPLAINT:** \$ _____

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

Federal Trademark Infringement (15 U.S.C. section 1114/Lanham Act section 32(a)) / Federal Copyright Infringement (17 U.S.C. section 501(a))

VII. NATURE OF SUIT (Place an X in one box only.)

| OTHER STATUTES | CONTRACT | REAL PROPERTY CONT. | IMMIGRATION | PRISONER PETITIONS | PROPERTY RIGHTS |
|--|--|---|--|--|--|
| <input type="checkbox"/> 375 False Claims Act | <input type="checkbox"/> 110 Insurance | <input type="checkbox"/> 240 Torts to Land | <input type="checkbox"/> 462 Naturalization Application | Habeas Corpus: | <input type="checkbox"/> 820 Copyrights |
| <input type="checkbox"/> 400 State Reapportionment | <input type="checkbox"/> 120 Marine | <input type="checkbox"/> 245 Tort Product Liability | <input type="checkbox"/> 465 Other Immigration Actions | <input type="checkbox"/> 463 Alien Detainee | <input type="checkbox"/> 830 Patent |
| <input type="checkbox"/> 410 Antitrust | <input type="checkbox"/> 130 Miller Act | <input type="checkbox"/> 290 All Other Real Property | TORTS | <input type="checkbox"/> 510 Motions to Vacate Sentence | <input checked="" type="checkbox"/> 840 Trademark |
| <input type="checkbox"/> 430 Banks and Banking | <input type="checkbox"/> 140 Negotiable Instrument | TORTS PERSONAL INJURY | PERSONAL PROPERTY | <input type="checkbox"/> 530 General | SOCIAL SECURITY |
| <input type="checkbox"/> 450 Commerce/ICC Rates/Etc. | <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment | <input type="checkbox"/> 310 Airplane | <input type="checkbox"/> 370 Other Fraud | <input type="checkbox"/> 535 Death Penalty | <input type="checkbox"/> 861 HIA (1395ff) |
| <input type="checkbox"/> 460 Deportation | <input type="checkbox"/> 151 Medicare Act | <input type="checkbox"/> 315 Airplane Product Liability | <input type="checkbox"/> 371 Truth in Lending | Other: | <input type="checkbox"/> 862 Black Lung (923) |
| <input type="checkbox"/> 470 Racketeer Influenced & Corrupt Org. | <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Vet.) | <input type="checkbox"/> 320 Assault, Libel & Slander | <input type="checkbox"/> 380 Other Personal Property Damage | <input type="checkbox"/> 540 Mandamus/Other | <input type="checkbox"/> 863 DIWC/DIWW (405 (g)) |
| <input type="checkbox"/> 480 Consumer Credit | <input type="checkbox"/> 153 Recovery of Overpayment of Vet. Benefits | <input type="checkbox"/> 330 Fed. Employers' Liability | <input type="checkbox"/> 385 Property Damage Product Liability | <input type="checkbox"/> 550 Civil Rights | <input type="checkbox"/> 864 SSID Title XVI |
| <input type="checkbox"/> 490 Cable/Sat TV | <input type="checkbox"/> 160 Stockholders' Suits | <input type="checkbox"/> 340 Marine | BANKRUPTCY | <input type="checkbox"/> 555 Prison Condition | <input type="checkbox"/> 865 RSI (405 (g)) |
| <input type="checkbox"/> 850 Securities/Commodities/Exchange | <input type="checkbox"/> 190 Other Contract | <input type="checkbox"/> 345 Marine Product Liability | <input type="checkbox"/> 422 Appeal 28 USC 158 | FORFEITURE/PENALTY | FEDERAL TAX SUITS |
| <input type="checkbox"/> 890 Other Statutory Actions | <input type="checkbox"/> 195 Contract Product Liability | <input type="checkbox"/> 350 Motor Vehicle | <input type="checkbox"/> 423 Withdrawal 28 USC 157 | <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 | <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) |
| <input type="checkbox"/> 891 Agricultural Acts | <input type="checkbox"/> 196 Franchise | <input type="checkbox"/> 355 Motor Vehicle Product Liability | CIVIL RIGHTS | <input type="checkbox"/> 690 Other | <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609 |
| <input type="checkbox"/> 893 Environmental Matters | REAL PROPERTY | <input type="checkbox"/> 360 Other Personal Injury | <input type="checkbox"/> 440 Other Civil Rights | LABOR | |
| <input type="checkbox"/> 895 Freedom of Info. Act | <input type="checkbox"/> 210 Land Condemnation | <input type="checkbox"/> 362 Personal Injury-Med Malpractice | <input type="checkbox"/> 441 Voting | <input type="checkbox"/> 710 Fair Labor Standards Act | |
| <input type="checkbox"/> 896 Arbitration | <input type="checkbox"/> 220 Foreclosure | <input type="checkbox"/> 365 Personal Injury-Product Liability | <input type="checkbox"/> 442 Employment | <input type="checkbox"/> 720 Labor/Mgmt. Relations | |
| <input type="checkbox"/> 899 Admin. Procedures Act/Review of Appeal of Agency Decision | <input type="checkbox"/> 230 Rent Lease & Ejectment | <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability | <input type="checkbox"/> 443 Housing/Accommodations | <input type="checkbox"/> 740 Railway Labor Act | |
| <input type="checkbox"/> 950 Constitutionality of State Statutes | | <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability | <input type="checkbox"/> 445 American with Disabilities-Employment | <input type="checkbox"/> 751 Family and Medical Leave Act | |
| | | | <input type="checkbox"/> 446 American with Disabilities-Other | <input type="checkbox"/> 790 Other Labor Litigation | |
| | | | <input type="checkbox"/> 448 Education | <input type="checkbox"/> 791 Employee Ret. Inc. Security Act | |

FOR OFFICE USE ONLY:

Case Number:

CV-71 (11/13)

CIVIL COVER SHEET

CV14-3150

Page 1 of 3

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**

VIII. VENUE: Your answers to the questions below will determine the division of the Court to which this case will most likely be initially assigned. This initial assignment is subject to change, in accordance with the Court's General Orders, upon review by the Court of your Complaint or Notice of Removal.

| | | | |
|---|---|--|-------------------------------|
| Question A: Was this case removed from state court? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "no," go to Question B. If "yes," check the box to the right that applies, enter the corresponding division in response to Question D, below, and skip to Section IX. | STATE CASE WAS PENDING IN THE COUNTY OF: | | INITIAL DIVISION IN CAD D IS: |
| | <input type="checkbox"/> Los Angeles | | Western |
| | <input type="checkbox"/> Ventura, Santa Barbara, or San Luis Obispo | | Western |
| | <input type="checkbox"/> Orange | | Southern |
| | <input type="checkbox"/> Riverside or San Bernardino | | Eastern |

| | | | | |
|--|---|---|-------------------------------|----------|
| Question B: Is the United States, or one of its agencies or employees, a party to this action? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "no," go to Question C. If "yes," check the box to the right that applies, enter the corresponding division in response to Question D, below, and skip to Section IX. | If the United States, or one of its agencies or employees, is a party, is it: | | INITIAL DIVISION IN CAD D IS: | |
| | A PLAINTIFF? | A DEFENDANT? | | |
| | Then check the box below for the county in which the majority of DEFENDANTS reside. | Then check the box below for the county in which the majority of PLAINTIFFS reside. | | |
| | <input type="checkbox"/> Los Angeles | <input type="checkbox"/> Los Angeles | | Western |
| | <input type="checkbox"/> Ventura, Santa Barbara, or San Luis Obispo | <input type="checkbox"/> Ventura, Santa Barbara, or San Luis Obispo | | Western |
| | <input type="checkbox"/> Orange | <input type="checkbox"/> Orange | | Southern |
| | <input type="checkbox"/> Riverside or San Bernardino | <input type="checkbox"/> Riverside or San Bernardino | | Eastern |
| <input type="checkbox"/> Other | <input type="checkbox"/> Other | Western | | |

| Question C: Location of plaintiffs, defendants, and claims? (Make only one selection per row) | A. Los Angeles County | B. Ventura, Santa Barbara, or San Luis Obispo Counties | C. Orange County | D. Riverside or San Bernardino Counties | E. Outside the Central District of California | F. Other |
|--|-------------------------------------|---|--------------------------|--|--|--------------------------|
| Indicate the location in which a majority of plaintiffs reside: | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Indicate the location in which a majority of defendants reside: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Indicate the location in which a majority of claims arose: | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

| | |
|---|---|
| C.1. Is either of the following true? If so, check the one that applies: <input type="checkbox"/> 2 or more answers in Column C <input type="checkbox"/> only 1 answer in Column C and no answers in Column D Your case will initially be assigned to the SOUTHERN DIVISION. Enter "Southern" in response to Question D, below. If none applies, answer question C2 to the right. → | C.2. Is either of the following true? If so, check the one that applies: <input type="checkbox"/> 2 or more answers in Column D <input type="checkbox"/> only 1 answer in Column D and no answers in Column C Your case will initially be assigned to the EASTERN DIVISION. Enter "Eastern" in response to Question D, below. If none applies, go to the box below. ↓ |
| Your case will initially be assigned to the WESTERN DIVISION. Enter "Western" in response to Question D below. | |

| | |
|---|--|
| Question D: Initial Division? Enter the initial division determined by Question A, B, or C above: → | INITIAL DIVISION IN CAD D Western |
|---|--|

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEETIX(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? ☒ NO ☐ YES

If yes, list case number(s): _____

IX(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? ☒ NO ☐ YES

If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply)
- ☐ A. Arise from the same or closely related transactions, happenings, or events; or
- ☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
- ☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or
- ☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

X. SIGNATURE OF ATTORNEY
(OR SELF-REPRESENTED LITIGANT):

DATE: April 23, 2014

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1994, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet).

Key to Statistical codes relating to Social Security Cases:

| Nature of Suit Code | Abbreviation | Substantive Statement of Cause of Action |
|---------------------|--------------|--|
| 861 | HIA | All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b)) |
| 862 | BL | All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923) |
| 863 | DIWC | All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405 (g)) |
| 863 | DIWW | All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g)) |
| 864 | SSID | All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended. |
| 865 | RSI | All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g)) |